

DETAILED ACTION

Claim Objections

The objection to claims 15, 19 and 21, outlined in the previous Office Action, has been overcome by applicant's amendment. Applicant's arguments have been carefully considered and are persuasive.

112 Rejections Withdrawn

The rejection of claims 13, 14, 16-18, 20 and 22 under 35 USC 112, second paragraph, outlined in the previous Office Action, has been overcome by applicant's amendment. With respect to claims 16-18, the amendment cancels the claims. With respect to the remaining claims, the amendment clarifies the claim text as appropriate.

Claim Rejections - 35 USC § 112, NEW

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The identity of the composition is unclear because text is missing from the claim (beginning at the end of line 2). The examiner notes that applicant states in the Remarks that the limitations of claim 1 have been incorporated into, inter alia, claim 14. However, this is clearly not the case for claim 14.

101 Rejections Withdrawn

The rejection of claims 13, 14, 16-18, 20 and 22 under 35 USC 101, outlined in the previous Office Action, has been overcome by applicant's amendment. With respect to claims 16-18, the amendment cancels the claims. With respect to the remaining claims, the amendment rewords the claims such that they now teach a proper process.

Allowable Subject Matter

Claims 1-13, 15 and 19-22 are allowed for reasons of record.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Davis whose telephone number is 571-272-0638. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel M. Sullivan can be reached at 571-272-0779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian J. Davis/
Primary Examiner, Art Unit 1621
10/21/09